

REMARKS

Claims 236, 238, and 240-256 are currently pending and are under examination.

Claim 238 has been amended to remove the redundant language in that claim. Claims 240-241 have been amended to render these claims properly dependant from claim 236 for antecedent basis.

Claims 250-256 have been withdrawn as directed to a non-elected invention and subject to rejoinder. This election is made without prejudice to the inclusion of the non-elected inventions in any later filed continuation or divisional application. Applicants respectfully request reexamination and reconsideration in light of the following remarks.

I. Response to Restriction Requirement

Applicants note that Claims 250 and 251 was included in Group I, which is believed to be in error as Claims 250 and 251 are method claims. Applicants response is based on the belief that Claims 250 and 251 should have been included in Group II.

Accordingly, in response to the Restriction Requirement of the current Office Action, Applicants elect Group I, claims 236, 238, and 240-249. This election is traversed as to Claims 250-256 subject to rejoinder. Applicants maintain that a finding of patentability as to Group I, composition claims 236, 238, and 240-249 per se renders the methods of using said compositions patentable.

This election is further made without prejudice to the inclusion of the non-elected inventions in any later filed continuation or divisional application.

II. Response to the Election Requirement

In response to the Examiner's instruction to elect a species, Applicants herein elect tetrahydro-isohumulone as identified in Claim 236; ursolic acid in Claim 240; and oleanolic acid in Claim 241.


III. CONCLUSION

On the basis of the foregoing remarks and amendments, Applicants respectfully submit that amended Claims 236, 238, and 240-256 are in condition for allowance. Passage to issue is respectfully requested.

If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicant's agent at the telephone number shown below. The commissioner is hereby authorized to charge any fees required in connection with filing of this paper to our Deposit Account 50-1133.

A Request for a Four (4) Month Extension of Time, up to and including August 26, 2010 is included herewith. Pursuant to 37 C.F.R. § 1.136(a), the Examiner is authorized to charge any fee under 37 C.F.R. § 1.17 applicable in this instant, as well as in future communications, to Deposit Account 50-1133. Furthermore, such authorization should be treated in any concurrent or future reply requiring a petition for an extension of time under paragraph 1.136 for its timely submission, as constructively incorporating a petition for extension of time for the appropriate length of time pursuant 37 C.F.R. § 1.136(a) regardless of whether a separate petition is included.

Respectfully submitted,
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